

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

APPLE INC.,

Plaintiff,

v.

MASIMO CORPORATION and  
SOUND UNITED, LLC,

Defendants.

C.A. No. 22-1377-MN-JLH

**JURY TRIAL DEMANDED**

---

MASIMO CORPORATION,

Counter-Claimant,

v.

APPLE INC.,

Counter-Defendant.

---

APPLE INC.,

Plaintiff,

v.

MASIMO CORPORATION and  
SOUND UNITED, LLC,

Defendants.

C.A. No. 22-1378-MN-JLH

**JURY TRIAL DEMANDED**

---

MASIMO CORPORATION and  
CERCACOR LABORATORIES, INC.,

Counter-Claimants,

v.

APPLE INC.,

Counter-Defendant.

**PLAINTIFF AND COUNTERCLAIM-DEFENDANT APPLE INC.’S REPLY  
IN SUPPORT OF ITS MOTION TO DISMISS AND STRIKE  
SOUND UNITED’S ANSWER AND COUNTERCLAIMS**

Defendant and Counterclaimant Sound United, LLC (“Sound United”) admits in its opposition to Plaintiff and Counterclaim-Defendant Apple Inc.’s (“Apple”) motion to dismiss its counterclaims and to strike certain of its affirmative defenses that “its inequitable conduct allegations are the same as Masimo’s inequitable conduct allegations.” D.I. 186 at 1 (-1377); D.I. 187 at 1 (-1378). Accordingly, the parties jointly agree that the Court should issue the same Report and Recommendation that the Court issued as to Masimo’s allegations regarding the inequitable conduct allegations relating to Apple’s Chief IP Counsel. *See id.*

OF COUNSEL:

John M. Desmarais  
Jordan N. Malz  
Cosmin Maier  
Kerri-Ann Limbeek  
Jeffrey Scott Seddon, II  
DESMARAIS LLP  
230 Park Avenue  
New York, NY 10169  
Tel: 212-351-3400

Peter C. Magic  
DESMARAIS LLP  
101 California Street  
San Francisco, CA 94111  
Tel: 415-573-1900

Jennifer Milici  
Leon B. Greenfield  
Dominic Vote  
WILMER CUTLER PICKERING HALE  
AND DORR LLP  
2100 Pennsylvania Avenue, NW  
Washington DC 20037  
Tel: (202) 663-6000

Mark A. Ford  
WILMER CUTLER PICKERING HALE  
AND DORR LLP  
60 State Street  
Boston, MA 02109  
Tel: (617) 526-6423

Dated: July 21, 2023  
10928909 / 12209.00051/52

Respectfully submitted,

POTTER ANDERSON & CORROON LLP

By: /s/ David E. Moore  
David E. Moore (#3983)  
Bindu A. Palapura (#5370)  
Andrew L. Brown (#6766)  
Hercules Plaza, 6<sup>th</sup> Floor  
1313 N. Market Street  
Wilmington, DE 19801  
Tel: (302) 984-6000  
[dmoore@potteranderson.com](mailto:dmoore@potteranderson.com)  
[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)  
[abrown@potteranderson.com](mailto:abrown@potteranderson.com)

*Attorneys for Plaintiff/Counter-Defendant  
Apple Inc.*